

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

ORDER

MICHAEL K. MARTIN,

1:15-CR-00163 EAW

Defendant.

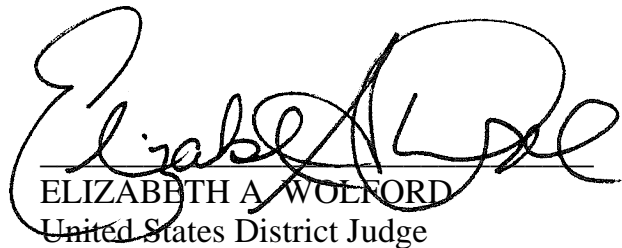
Pending before the Court is a *pro se* motion filed by defendant Michael K. Martin (hereinafter “Defendant”) for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A). (Dkt. 113). Defendant, who was convicted by guilty plea of conspiracy to commit wire fraud in violation of 18 U.S.C. §§ 1349 and 1343, was sentenced by the undersigned on March 19, 2018, to 48 months in prison to be followed by three years supervised release. (Dkt. 106). The Government filed a response to Defendant’s pending motion, representing that it has confirmed with the Bureau of Prisons that Defendant was released to home confinement on June 3, 2020, and he will remain on home confinement through the end of his sentence on July 26, 2021. (Dkt. 116). As a result, the Government submits that Defendant’s motion has been mooted, because the basis for that motion was Defendant’s concerns about being incarcerated during the COVID-19 pandemic¹ in view of his preexisting medical conditions. (*Id.* at 1-2).

¹ On March 13, 2020, President Trump declared a National Emergency concerning COVID-19. Proclamation No. 9994, 85 Fed. Reg. 15337 (Mar. 13, 2020). According to the World Health Organization’s website, as of June 8, 2020, there were 6,931,000 confirmed cases of COVID-19 worldwide, with 400,857 confirmed deaths. *See*

The Court agrees with the Government that Defendant's release to home confinement has mooted the basis for his pending motion, and therefore the motion is denied. Moreover, even if not mooted, the Court would deny Defendant's motion because consideration of the factors set forth at 18 U.S.C. § 3553(a) mandates against reducing Defendant's sentence to time served, and furthermore, Defendant has failed to demonstrate extraordinary or compelling reasons justifying the requested relief. *See* 18 U.S.C. § 3582(c)(1)(A).

For the foregoing reasons, Defendant's motion for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A) (Dkt. 113) is denied.

SO ORDERED.



ELIZABETH A. WOLFORD
United States District Judge

Dated: June 8, 2020
Rochester, New York

Coronavirus (COVID-19), World Health Org., <https://covid19.who.int/> (last visited June 8, 2020).